



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,575	07/25/2001	Harley R. Myler	9560-002-27	6086

7590 06/01/2005

CARL M. NAPOLITANO, Ph.D.  
ALLEN, DYER, DOPPLET, MILBRATH & GILCHRIST, P.A.  
P.O. BOX 3791  
ORLANDO, FL 32802

EXAMINER
----------

TRAN, TRANG U

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/911,575	MYLER ET AL.
Examiner	Art Unit	
Trang U. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 November 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-29 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/27/01

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Nov. 24, 2004 have been fully considered but they are not persuasive.

Applicants argue that, as presented in the Declaration of Harley R. Myler, while the cited references appear to offer various elements of RFP, there is no motivation to combine the elements of independent claims 1, 26, and 29 as suggested by the Examiner because it is only through the teachings of the Applicants and as guided by the construction of the claimed invention that those of ordinary skill in the art would know to combine the teachings in the prior as suggested by the Examiner.

In response, the examiner respectfully disagrees. The examiner has pointed out what each of the prior art references teaches and has indicated how and why these references would have been combined to arrive at the claimed invention. Applicants cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The admitted prior art (Fig. 5) cited to suggest the measuring of digital video transmission quality and subsequent correcting of degraded portion of the video or other anomalies in the video signal. And Murphy et al cited only to suggest the detecting of corrupted data and to conceal the corrupted data by selecting an equivalent block from a previous transmitted frame. A reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. *In re Burckel*, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something

about the art apart from what references literally disclose. *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The artisan would have recognized the obviousness of measuring of digital video transmission quality and subsequent correcting of degraded portion of the video or other anomalies in the video signal of the admitted prior art and the detecting of corrupted data and to conceal the corrupted data by selecting an equivalent block from a previous transmitted frame of Murphy et al.

Additionally, the expected benefits of measuring of digital video transmission quality and subsequent correcting of degraded portion of the video or other anomalies in the video signal of the admitted prior art and the detecting of corrupted data and to conceal the corrupted data by selecting an equivalent block from a previous transmitted frame of Murphy et al would themselves have been evidence of obviousness. Expected beneficial results are themselves evidence of obviousness. *In re Hoffman*, 556 F.2d 539, 194 USPQ 126 (CCPA 1977); *in re Skoll*, 523 F.2d 1392, 187 USPQ 481 (CCPA 1975); and *In re Skoner*, 517 F.2d 947, 186 USPQ 80 (CCPA 1975).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 and 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zabih et al. (US Patent No. 5,767,922) in view of admitted prior art (Fig. 5).

In considering claim 1, Zabih et al discloses all the claimed subject matter, note 1) the claimed receiving a plurality of digital video frames, the plurality of digital video frames comprising a portion of the received video stream and having at least one intercut sequence is met by portion of video tape containing a plurality of three successive video frames 1, 2 and 3 for providing a moving or motion picture and in frame 3, the different object 24 is present at different location from the object 22 in frames 1 and 2, this would indicate a scene break (cut) (Figs. 1 and 3, col. 5, line 52 to col. 6, line 47). However, Zabih et al explicitly do not disclose the claimed within one of the at least one intercut sequence(s), applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality metric, determining whether each video quality metric indicates presence of a degraded frame, for each video quality metric indicating the presence of a degraded frame, identifying the degraded frame.

The admitted prior art (Fig. 5) teaches that the second technique is referred to as the “no reference” method, as shown in Fig. 5, only at the video destination (**receiving digital video stream which include the plurality of frames**) is feature extraction performed, this example of an existing no reference approach analyzes 20 for specific degradations in the data reaching the video destination 3 to produce the quality measure 21 **from frame to frame basic** (Fig. 5, page 8, line 23 to page 9, line 20).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the quality analyze method as taught by the admitted prior art (Fig. 5) into Zabih et al's system in order to measurement of digital video

transmission quality and subsequent correction of degraded portions of the video or other anomalies in the video.

In considering claim 2, the claimed further comprising: identifying each of the at least one intercut sequence(s) in the received plurality of digital video frames is met by the detection of scene breaks (Fig. 3, col. 6, line 34 to col. 7, line 67) of Zabih et al.

In considering claim 3, the claimed wherein applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality measurement includes: determining a peak signal to noise ratio is met by page 4, lines 15-18 of the admitted prior art (Fig. 5).

In considering claim 4, the claimed wherein applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality measurement includes: applying a Gabor transform to the at least two of the plurality of digital frames is met by Fig. 3, page 5, lines 23-30 of the admitted prior art.

In considering claim 5, the claimed wherein applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality measurement includes: applying Marr-Hilfreth and Canny operators to the at least two of the plurality of digital video frames is met by Fig. 3, page 5, lines 23-30 of the admitted prior art.

In considering claim 6, the claimed wherein applying a quality analysis technique to at least two of the plurality of digital video frame to produce at least one quality measurement includes: applying fractal decomposition to the at least two of the plurality of digital video frames is met by Fig. 3, page 5, lines 23-30 of the admitted prior art.

In considering claim 7, the claimed wherein applying a quality analysis technique to at least two of the plurality of digital video frames to produce at least one video quality measurement includes: applying Mean Absolute Difference analysis to the at least two of the plurality of digital video frames is met by Fig. 3, page 5, lines 23-30 of the admitted prior art.

In considering claim 8, the claimed wherein applying a quality analysis technique to at least two of plurality of digital video frames to produce at least one video quality measurement includes: determining a correlation coefficient for at least one pair of the at least two of the plurality of video frames is met by the model correlated (Fig. 2, page 5, lines 17-22) of the admitted prior art.

In considering claim 9, the claimed wherein identifying the degraded frame includes: applying a quality analysis technique to at least one of the at least two of the plurality of digital video frames and to at least a third one of the plurality of digital video frames is met by page 4, line 24 to page 5, line 30 of the admitted prior art.

In considering claim 10, the claimed correcting the degraded frame is met by Fig. 2, page 5, lines 17-22 of the admitted prior art.

In considering claim 15, the claimed wherein correcting the degraded frame includes: identifying a predetermined degradation in the degraded frame is met by the quality measure 17 or 21 (Fig. 5, page 6 line 14 to page 7, line 24) of the admitted prior art, and the claimed correcting the predetermined degraded is met by Fig. 2, page 5, lines 17-22 of the admitted prior art.

In considering claim 16, the claimed wherein the predetermined degradation includes one selected from a group consisting of a blocking effect, mosquito noise, and motion compensation noise is met by the blocking effect (page 7, lines 8-29) of the admitted prior art.

In considering claim 17, the claimed wherein identifying the at least one intercut sequence includes: identifying at least one cut in the received plurality of digital video frames is met by the detection of scene breaks (Fig. 3, col. 6, line 34 to col. 7, line 67) of Zabih et al.

In considering claim 18, Zabih et al discloses all the claimed subject matter, note 1) the claimed comparing at least a first one of the plurality of digital video frames to at least a second one of the plurality of digital video frames to produce at least one correlation coefficient is met by the global motion similarly measures between images and are based on correlation ((Fig. 3, col. 6, line 34 to col. 7, line 67), 2) the claimed comparing each of the at least one correlation coefficient to a predetermined range is met by Fig. 4, col. 8, lines 1-13, and 3) the claimed for each of the at least one compared correlation coefficient falling outside the predetermined range, identifying at least one frame corresponding to a cut in the received plurality of digital video frames is met by peaks should be noted at frames 9, 30 and 60 indicative of scene breaks, these peaks 46 ranging from about 0.4 to over 0.8 (Fig. 4, col. 8, line 1 to col. 9, line 18).

In considering claim 19, the claimed wherein each of the at least one correlation coefficient is normalized is met by peaks should be noted at frames 9, 30 and 60

indicative of scene breaks, these peaks 46 ranging from about 0.4 to over 0.8 (Fig. 4, col. 8, line 1 to col. 9, line 18) of Zabih et al.

In considering claim 20, the claimed wherein each of the at least one correlation coefficient is normalized on a scale of 0 to 1 is met by peaks should be noted at frames 9, 30 and 60 indicative of scene breaks, these peaks 46 ranging from about 0.4 to over 0.8 (Fig. 4, col. 8, line 1 to col. 9, line 18) of Zabih et al.

In considering claim 21, the claimed wherein the predetermined range approximately 0 to 0.9 is met by peaks should be noted at frames 9, 30 and 60 indicative of scene breaks, these peaks 46 ranging from about 0.4 to over 0.8 (Fig. 4, col. 8, line 1 to col. 9, line 18) of Zabih et al.

In considering claim 22, the claimed wherein the received video stream includes metadata stream information, and wherein identifying at least one cut in the received plurality of digital video frames includes: analyzing the metadata stream information is met by the video destination 3 and the feature codes which is referred to as "metadata" (Fig. 4, page 6, lines 14-27) of the admitted prior art.

In considering claim 23, the claimed wherein the source video stream is processed to produce the received video stream is met by the video source 1 (page 4, line 19 to page 5, line 5) of the admitted prior art.

In considering claim 24, the claimed wherein the source video stream is processed to produce the received video stream by passing the source video stream through a channel is met by the video destination 3 (page 4, line 19 to page 5, line 5) of the admitted prior art.

In considering claim 25, the claimed wherein the source video stream is processed to produce the received video stream by applying a hypothetical reference circuit to the source video stream is met by channel 2 (Fig. 1, page 4, line 30 to page 5, line 5) of the admitted prior art.

Claim 26 is rejected for the same reason as discussed in claim 1.

In considering claim 27, the claimed wherein the channel comprises a circuit is met by channel 2 (Fig. 1, page 4, line 30 to page 5, line 5) of the admitted prior art.

In considering claim 28, the claimed wherein the repository comprises a database is met by page 4, lines 9-18 of the admitted prior art.

Claim 29 is rejected for the same reason as discussed in claim 1.

4. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zabih et al. (US Patent No. 5,767,922) in view of admitted prior art (Fig. 5) and further in view of Murphy et al (US Patent No. 5,745,169).

In considering claim 11, the combination of Zabih et al and the admitted prior art (Fig. 5) discloses all the limitations as discussed in claims 1 and 10 above, except for providing the claimed wherein correcting the degraded frame includes: removing each of the degraded frame. Murphy et al teach that to provide such a detection and concealing process, the system includes an error detecting and concealing circuit 29, arranged to identify a block of corrupted data and to conceal this block of corrupted data by selecting an equivalent block from a previous transmitted frame (Fig. 3, col. 3, line 55 to col. 4, line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the concealing circuit as taught by Murphy

et al into the combination of Zabih et al and the admitted prior art (Fig. 5)'s system in order to provide an improved method and apparatus for detecting and correcting the presence of errors in a video signal.

In considering claim 12, the combination of Zabih et al and the admitted prior art (Fig. 5) discloses all the limitations as discussed in claims 1 and 10 above, except for providing the claimed wherein correcting the degraded frame includes: obtaining a replacement frame for the degraded frame. Murphy et al teach that to provide such a detection and concealing process, the system includes an error detecting and concealing circuit 29, arranged to identify a block of corrupted data and to conceal this block of corrupted data by selecting an equivalent block from a previous transmitted frame (Fig. 3, col. 3, line 55 to col. 4, line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the concealing circuit as taught by Murphy et al into the combination of Zabih et al and the admitted prior art (Fig. 5)'s system in order to provide an improved method and apparatus for detecting and correcting the presence of errors in a video signal.

In considering claim 13, the claimed wherein the replacement frame is obtained from the source video stream is met by the error detecting and concealing circuit 29 (Fig. 3, col. 3, line 55 to col. 4, line 67) of Murphy et al.

In considering claim 14, the combination of Zabih et al and the admitted prior art (Fig. 5) discloses all the claimed subject matter, note 1) the claimed identifying a degraded portion of the degraded frame is met by the quality measure 17 or 21 (Fig. 5, page 6 line 14 to page 7, line 24). However, the admitted of applicant's prior art explicitly

does not disclose the claimed identifying at least one from the plurality of the digital video frames containing an undegraded portion corresponding to the degraded portion of the degraded frame and the claimed replacing the degraded portion of the degraded frame with the undegraded portion. Murphy et al teach that to provide such a detection and concealing process, the system includes an error detecting and concealing circuit 29, arranged to identify a block of corrupted data and to conceal this block of corrupted data by selecting an equivalent block from a previous transmitted frame (Fig. 3, col. 3, line 55 to col. 4, line 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the concealing circuit as taught by Murphy et al into the combination of Zabih et al and the admitted prior art (Fig. 5)'s system in order to provide an improved method and apparatus for detecting and correcting the presence of errors in a video signal.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT  
May 25, 2005



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600